

NORTHERN DISTRICT OF OHIO

FILED

NOV 19 2018

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

RYAN D. MALONE

Petitioner,

vs.

UNITED STATES OF AMERICA

Respondent.

Case No. 17-CV-02290-BYP

Judge : Benita Y. Pearson

MOTION TO SUPPLEMENT PLEADING IN ACCORDANCE WITH
FEDERAL RULE OF CIVIL PROCEDURE 15(d)

Now comes the petitioner, RYAN D. MALONE, pro-se, and herein files this supplemental pleading in accordance with F.R. Civ. P. 15(d).

Petitioner filed his instant motion under 28 U.S.C 2255 with this court on October 30, 2017. This court has yet to make a ruling on petitioner's motion and petitioner submits that the Government will not be prejudiced by this filing.

In Support of Petitioner's claim that his prior Drug Trafficking Conviction may no longer qualify as a controlled substance offense, this Petitioner has attached the opinion in UNITED STATES V. TOWNSEND, 2018 U.S. App. LEXIS 20345 (2nd Cir. 2018) for this court's review as "Exhibit 1".

Petitioner request that this court excepts this Supplemental brief as supporting Law to his motion under 28. U.S.C 2255.

Case: 1:14-cr-00438-BYP Doc #: 157 Filed: 11/19/18 2 of 2 PageID #: 1110
Petitioner prays that this honorable court grant this motion to Supplement his motion under 28 U.S.C. 2255 for supporting Law. Petitioner also request that this honorable court be mindful of the fact that he is proceeding Pro-se, and therefore held to less stringent standards. See Haines v. Kerner. 404 U.S. 519. 92 S. Ct. 594. 30 L Ed. 2d 652 (1972) See also Mcnell v. United States, 508 U.S. 106. 113 S. Ct. 1980. 124 L. Ed. 2d 21 (1993), (acknowledging that the Supreme Court has) "insisted that the pleadings prepared by prisoners who do not have access to counsel be liberally construed").

CONCLUSION

Once more, petitioner prays that this honorable court will allow this supplemental pleading for the reasons mentioned herein.

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Ryan D. Malone, petitioner pro-se
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CERTIFICATE OF SERVICE

I certify that I have placed this supplemental pleading in the legal mail here at FCC Beaumont-Medium, for delivery to the United States District Court for the Northern District of Ohio, by the United States Postal Service, in a sealed envelope, with postage pre-paid, on this 11th day of November, 2018

Ryan D. Malone
Ryan D. Malone